

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

Jose Alonso-Gallegos,

Plaintiff,

v.

Radius Global Solutions, LLC,

Defendant.

SUMMONS

Court File No. _____

THIS SUMMONS IS DIRECTED TO THE ABOVE-NAMED DEFENDANT(S)

1. **YOU ARE BEING SUED.** The Plaintiff has started a lawsuit against you. The Plaintiff's Complaint against you is attached to this summons. Do not throw these papers away. They are official papers that affect your rights. You must respond to this lawsuit even though it may not yet be filed with the Court and there may be no court file number on this summons.

2. **YOU MUST REPLY WITHIN 20 DAYS TO PROTECT YOUR RIGHTS.**

You must give or mail to the person who signed this summons a written response called an Answer within 20 days of the date on which you received this Summons. You must send a copy of your Answer to the person who signed this summons located at:

WALKER & WALKER LAW OFFICES, PLLC
ATTN: Bennett Hartz
4356 Nicollet Avenue South
Minneapolis, MN 55409

3. **YOU MUST RESPOND TO EACH CLAIM.** The Answer is your written response to the Plaintiff's Complaint. In your Answer you must state whether you

agree or disagree with each paragraph of the Complaint. If you believe the Plaintiff should not be given everything asked for in the Complaint, you must say so in your Answer.

4. **YOU WILL LOSE YOUR CASE IF YOU DO NOT SEND A WRITTEN RESPONSE TO THE COMPLAINT TO THE PERSON WHO SIGNED THIS SUMMONS.** If you do not Answer within 20 days, you will lose this case. You will not get to tell your side of the story, and the Court may decide against you and award the Plaintiff everything asked for in the complaint. If you do not want to contest the claims stated in the complaint, you do not need to respond. A default judgment can then be entered against you for the relief requested in the complaint.
5. **LEGAL ASSISTANCE.** You may wish to get legal help from a lawyer. If you do not have a lawyer, the Court Administrator may have information about places where you can get legal assistance. Even if you cannot get legal help, you must still provide a written Answer to protect your rights or you may lose the case.
6. **ALTERNATIVE DISPUTE RESOLUTION.** The parties may agree to or be ordered to participate in an alternative dispute resolution process under Rule 114 of the Minnesota General Rules of Practice. You must still send your written response to the Complaint even if you expect to use alternative means of resolving this dispute.

Date: June 3, 2019

/s/ Bennett Hartz

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4356 Nicollet Avenue South
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(612) 824-4357
Attorneys for Jose Alonso-Gallegos

STATE OF MINNESOTA

DISTRICT COURT

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Jose Alonso-Gallegos,

Plaintiff,

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Radius Global Solutions, LLC,

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COMPLAINT

Court File No. _____

1. Plaintiff Jose Alonso-Gallegos initiates this action based on the violation of the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. § 1692 *et seq.*, by Radius Global Solutions, LLC (“Debt Collector”).
2. Debt Collector attempted to collect a debt from Alonso-Gallegos that had been discharged in bankruptcy, falsely representing the character, amount, and legal status of the debt in violation of the FDCPA.

PARTIES, JURY TRIAL, AND VENUE

3. Alonso-Gallegos is a natural person residing in Scott County and is a “consumer” as defined by the FDCPA, 15 U.S.C. § 1692a(3).
4. Debt Collector is a Minnesota limited liability company with a registered address of 7831 Glenroy Road, Suite 250, Edina, MN 55439. Debt Collector’s principal business and purpose is the collection of debts, making it a “debt collector” as defined by the FDCPA, 15 U.S.C. § 1692a(6).
5. Alonso-Gallegos demands a trial by jury to the extent available under US Const. Amend. 7; Minn. R. Civ. P. 38.01.

6. Venue is proper because Debt Collector's registered Minnesota address is located in Hennepin County.

FACTS

7. Alonso-Gallegos filed a petition for Chapter 7 bankruptcy relief on December 21, 2018. *See Minn. Bankr. Court File No. 18-33950.*
8. Alonso-Gallegos's bankruptcy petition listed a debt owed to Sears.
9. Alonso-Gallegos received a standard discharge of his debts on March 26, 2019.
10. Despite this discharge, Debt Collector sent Alonso-Gallegos a collection letter dated May 18, 2019 attempting to collect the discharged Sears debt. *See collection letter attached as EXHIBIT A.*

COUNT I: MISREPRESENTATION OF CHARACTER, AMOUNT, AND LEGAL STATUS OF DEBT

11. Alonso-Gallegos incorporates all other allegations as if set forth herein in full.
12. The FDCPA prohibits collectors from misrepresenting a debt's "character, amount, or legal status;"

"A debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section: . . . The false representation of . . . the character, amount, or legal status of any debt . . ." 15 U.S.C. § 1692e(2)(A).

13. The FDCPA prohibits collectors from using false representations or deceptive means to collect a debt:

"A debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section: . . . The use of any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer." 15 U.S.C. § 1692e(10).

14. Debt Collector violated §§ 1692e(2)(A) and 1692e(10) by soliciting payment from Alonso-Gallegos for a debt that Alonso-Gallegos no longer owed.
15. Debt Collector's misrepresentation materially misled Alonso-Gallegos as to his rights under the Bankruptcy Code and his obligations to his creditors.
16. Alonso-Gallegos has been forced to hire legal counsel to address Debt Collector's failure to comply with the FDCPA.
17. The FDCPA provides the following remedies for its breach:

"[A]ny debt collector who fails to comply with any provision of this title with respect to any person is liable to such person in an amount equal to the sum of— (1) any actual damage sustained by such person as a result of such failure; (2) . . . such additional damages as the court may allow, but not exceeding \$1,000 . . . [and (3)] the costs of the action, together with a reasonable attorney's fee as determined by the court." 15 U.S.C. § 1692k(a).
18. Alonso-Gallegos is entitled to actual damages in an amount to be determined at trial, statutory damages of \$1,000.00, the costs of this action, and reasonable attorney's fees from Debt Collector in an amount to be determined by the court under 15 U.S.C. § 1692k.

RELIEF REQUESTED

Alonso-Gallegos requests an Order for the following relief:

1. Judgment in favor of Jose Alonso-Gallegos and against Radius Global Solutions, LLC for actual damages in an amount to be determined at trial, \$1,000 in statutory damages, the costs of this action, and a reasonable attorney's fee under 15 U.S.C. § 1692k.
2. Interest accruing from commencement of this action at 4% for awards up to \$50,000.00, or at 10% for awards over \$50,000.00, under Minn. Stat. § 549.09.

3. All other relief the Court deems just and equitable.

Date: June 3, 2019

/s/ Bennett Hartz

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Minneapolis, MN 55409
(612) 824-4357

Attorneys for Jose Alonso-Gallegos

Acknowledgement

The plaintiff, by his attorney, acknowledges that sanctions may be imposed under Minn.

Stat. § 549.211.

Date: June 3, 2019

/s/ Bennett Hartz

Bennett Hartz #393136